

Application No.: 10/055,968
Docket: 103864.129 US1

REMARKS

Applicants thank the Examiner for withdrawing the rejections to claims 43-53 under 35 U.S.C. § 101. The application has been amended to more clearly define the present invention. In particular, claim 18 is amended to provide proper antecedent basis and claim 69 is amended to correct a typographical error. New claims 70-74 are added to further define what Applicants consider to be his invention. No new matter is added.

In addition, independent claims 1, 10-12, 37, 38, 41, 61, 62 and 74 have been amended responsive to the Advisory Action and the interview with the Examiner, discussed below.

Reconsideration is respectfully requested.

I. Claim Objections

See previous Amendment dated March 31, 2005.

Applicant respectfully submits that the objections to the claims have been corrected, and requests that the objection be withdrawn.

II. Claim Rejections – 35 U.S.C. §§ 102 and 103

See previous Amendment dated March 31, 2005.

III. Statement of Substance of Interview

In response to the interview date of June 20, 2005, Applicant provides the following information.

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Pursuant to the Interview Summary of Record of Interview Requirements on PTOL-413.

Applicant provides the following Summary:

1) Brief description of the nature of any exhibit shown or any demonstration conducted:

None.

2) An identification of the claims discussed:

All pending claims were generally discussed, with emphasis on dependent claims 10-12 and independent claims 41, 61 and 62.

3) An identification of the specific prior art discussed:

None.

4) Identification of principal proposed amendments of a substantive nature discussed, unless already described on the Interview Summary Form completed by the Examiner;

Claims 10-12, correct dependency to claim 1. Claims 41, 61 and 62, include the phrase "transcribing the digitized prescription request" in combination with remaining elements of the claims. Examiner indicated that when this limitation was added to the claims, in combination, that the combination of limitations in claims 41, 61 and 62 was patentable, when interpreted as a whole. Therefore, no equivalents are being surrendered with this amendment.

5) Brief identification of the general thrust of principal arguments presented to Examiner:

Added limitations were not considered narrowing amendments.

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6) General indication of other pertinent matters discussed:

None to the Applicant's knowledge.

7) General results or outcome of the interview unless already described, unless already described on the Interview Summary Form completed by the Examiner:

Examiner indicated that all claims would be allowable.

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CONCLUSION

Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, Applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

In addition, each of the combination of limitations recited in the claims includes additional limitations not shown or suggested by the prior art. Therefore, for these reasons as well, Applicants respectfully request withdrawal of the rejection.

Further, there is no motivation shown to combine the prior art cited by the Examiner, and even if these teachings of the prior art are combined, the combination of elements of claims, when each is interpreted as a whole, is not disclosed in the Examiner's proposed combination. As the combination of elements in each of the claims is not disclosed, Applicants respectfully request that the Examiner withdraw the rejections.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples Applicants has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicants asserts that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable. Applicants have emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, Applicants do not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, Applicants are providing examples of why the claims described above are distinguishable over the cited prior art.

Applicants wish to clarify for the record, if necessary, that the claims have been amended to expedite prosecution. Moreover, Applicants reserve the right to pursue the original subject matter recited in the present claims in a continuation application.

Any narrowing amendments made to the claims in the present Amendment are not to be construed as a surrender of any subject matter between the original claims and the present

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claims; rather merely Applicants' best attempt at providing one or more definitions of what the Applicants believe to be suitable patent protection. In addition, the present claims provide the intended scope of protection that Applicants are seeking for this application. Therefore, no estoppel should be presumed, and Applicants' claims are intended to include a scope of protection under the Doctrine of Equivalents.

Further, Applicants hereby retract any arguments and/or statements made during prosecution that were rejected by the Examiner during prosecution and/or that were unnecessary to obtain allowance, and only maintains the arguments that persuaded the Examiner with respect to the allowability of the patent claims, as one of ordinary skill would understand from a review of the prosecution history. That is, Applicants specifically retract statements that one of ordinary skill would recognize from reading the file history were not necessary, not used and/or were rejected by the Examiner in allowing the patent application.

For all the reasons advanced above, Applicants respectfully submit that the rejections have been overcome and should be withdrawn.

For all the reasons advanced above, Applicants respectfully submit that the Application is in condition for allowance, and that such action is earnestly solicited.

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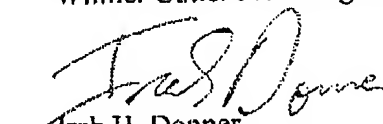
AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees, which may be required for this Amendment, or credit any overpayment to deposit account no. 08-0219.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to deposit account no. 08-0219.

Respectfully Submitted,

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